

May 17, 2004

LICENSEE: Entergy Nuclear Operations, Inc.

FACILITY: Vermont Yankee Nuclear Power Station

SUBJECT: SUMMARY OF MARCH 31, 2004, CATEGORY 3 MEETING WITH PUBLIC TO DISCUSS PROPOSED POWER UPRATE FOR VERMONT YANKEE NUCLEAR POWER STATION (TAC NO. MC0761)

Background

On March 31, 2004, the U.S. Nuclear Regulatory Commission (NRC) staff held a Category 3 public meeting, at the Vernon Elementary School in Vernon, Vermont. The purpose of the meeting was to: (1) provide information regarding the NRC's review of the proposed power uprate amendment request from Entergy Nuclear Operations, Inc. (Entergy or the licensee) for the Vermont Yankee Nuclear Power Station (VYNPS); and (2) provide an opportunity for the public to present comments or questions regarding the proposed power uprate. The meeting was held, in part, in response to a request from Vermont Senators Jeffords and Leahy, as discussed in their letter to the NRC dated February 27, 2004. This letter is available in the NRC's Agencywide Documents Access and Management System (ADAMS) on the NRC's Web site at <http://www.nrc.gov/reading-rm/adams/web-based.html> by entering Accession No. ML040630603.

The power uprate meeting was held following a Category 1 public meeting between Entergy and the NRC. The purpose of the Category 1 meeting was to discuss the NRC's annual assessment of the safety performance of the VYNPS for the calendar year 2003. The annual assessment meeting, which took place from approximately 7:00 p.m. until 8:00 p.m., was held in the Vernon Elementary School cafeteria. Although the power uprate meeting also was scheduled to be held in the cafeteria, the meeting was relocated to the gymnasium to better accommodate the large turnout, estimated at 500 people. Due to the large turnout, not all of those who attended the meeting signed the list of attendees. The partial list is included as Enclosure 1.

The power uprate meeting began at approximately 8:20 p.m. and adjourned shortly after 11:00 p.m. The meeting was transcribed, and a copy of the transcription is included as Enclosure 2.

Introductory Remarks

After introductory remarks by Mr. William Ruland, the NRC manager in charge of the power uprate process, and David Bidwell, the meeting facilitator, comments were provided by staff members for Senators Jeffords and Leahy, a member of the Vermont Public Service Board (PSB), an individual representing a number of elected officials from Massachusetts, the Commissioner of the Vermont Department of Public Service, and several Vermont state and local officials. Several of the individuals presented letters to the NRC to be included as part of

the meeting record. These letters are included as Enclosures 3 through 8. Most of the comments expressed the view that an independent assessment (independent engineering assessment (IEA) or independent safety assessment (ISA)) be performed at VYNPS prior to the NRC completing its review of the power uprate request. Numerous signs held by members of the public expressed the same view. Some of the individuals indicated the independent assessment was needed to ensure public confidence in the reliability and safety of VYNPS following the proposed power uprate. Comments from some individuals noted that the NRC's recent letters to Senators Jeffords and Leahy (ADAMS Accession No. ML040690004) were perceived by the public as indicating the NRC had already decided not to address the recent request from the PSB for the NRC to perform an IEA at VYNPS (ADAMS Accession No. ML040850076).

Mr. Ruland explained that the NRC's letters to Senators Jeffords and Leahy did not represent the NRC's position on the Vermont PSB request and that a response would be provided to the PSB. He also provided some background information regarding the ISA performed at Maine Yankee in 1996, as well as design and licensing basis inspections that have been performed at VYNPS since that time. Some of the key points made were:

- The Maine Yankee ISA was managed by an NRC manager who reported to the NRC Chairman. The ISA was performed by NRC personnel and independent contractors, with some state observers. Those involved with the ISA did not have routine regulatory oversight of Maine Yankee.
- The NRC and independent contractors have inspected the VYNPS design and licensing basis several times since the Maine Yankee ISA, including an architect engineer inspection managed by NRC headquarters personnel and performed by contractors. Those involved did not have routine regulatory oversight of VYNPS.
- The NRC does not issue decisions on plant reliability specifically, since safety is our focus. However, plant reliability is closely related to plant safety. The power uprate review process requires a safety review that, in part, examines reliability (e.g., plant modifications associated with the proposed power uprate).
- The NRC's inspection program is flexible and has the ability to respond to safety issues when they arise.

Mr. Ruland stated that the NRC would return for another meeting later in the power uprate review process.

NRC Staff Remarks

At the urging of many of the public present to allow sufficient time for public comments and questions, the NRC staff decided to forego using the slide presentations prepared for the meeting (copies of the presentation were made available to the public - see Enclosure 14). Instead, the NRC staff limited their remarks to several key points as discussed below.

Mr. Anthony McMurtray, the NRC project manager for the power uprate process, made the following key points:

- NRC power uprate reviews are significant licensing actions and receive a high level of attention from the NRC Commission and senior NRC management.
- The power uprate review standard, which took over two years to develop, provides details regarding the extent of the review. The NRC staff reviews every plant system impacted by the proposed power uprate.
- The power uprate review process is a structured, comprehensive process focused on safety.
- The NRC staff welcomes public comments on the review standard and the review process.

Mr. Stuart Richards, the NRC manager responsible for the NRC's inspection program, made the following key points:

- The NRC has a robust inspection program that inspects engineering at VYNPS and all the nuclear plants nationwide.
- As part of the power uprate process, issues resulting from the technical review will be factored into the inspections to be performed.

Mr. Richard Ennis, the NRC project manager for Vermont Yankee, made the following key points:

- The forecasted completion date for the NRC's review is January 31, 2005. Although it is early in the review process, the NRC staff already has provided approximately 60 questions to Entergy regarding the power uprate request.
- The next major milestone in the process will be the NRC issuing a Federal Register notice. The notice will be posted on the NRC's web site and will provide the public with an opportunity to request a hearing on the proposed amendment.
- The public also may provide comments to the NRC regarding the proposed amendment outside of the hearing process. The staff will consider comments in the course of the review. This meeting was one of the opportunities for the public to provide comments.
- There are many technical areas reviewed as part of the NRC's power uprate process. Two issues that are very high focus areas at this time include steam dryer cracking and flow-induced vibration. These issues are receiving a very high level of attention by both the NRC and the nuclear industry, and are probably the two biggest challenges associated with power uprates at this time. Additional interaction between the NRC staff, Entergy, and Entergy's contractor, General Electric, is expected on these issues.
- Much more work still needs to be done before the NRC staff can come to any conclusions on the acceptability of the Vermont Yankee power uprate request. The amendment will not be issued unless the NRC is satisfied that safety will be assured.

Public Comments and Questions

Comments and questions were then provided by members of the public for approximately two hours. The following provides a brief summary of the key issues raised by members of the public. This summary does not list every comment made during the meeting and is provided solely to give the reader a sense of the types of topics that were discussed. For specific details on any of these comments, refer to the transcription provided as Enclosure 2.

- Mr. Arnold Gundersen discussed documents he had in his possession that indicated to him a pattern of collusion between Entergy, General Electric, and the NRC, in the approval process for a General Electric topical report used in the VYNPS power uprate request. Mr. Ruland stated that the NRC has two processes to address these types of issues, the allegation process, and referrals to the NRC's Office of the Inspector General. Mr. Ruland stated the NRC was not aware of the details of Mr. Gundersen's allegation and that the NRC would investigate the issues.

Subsequent to the meeting, the issues raised by Mr. Gundersen were referred to the Office of the Inspector General.

- Mr. Paul Blanch stated that he had contacted the Inspector General's office during the afternoon prior to the meeting and turned over issues of wrongdoing. The issues are discussed in a prepared statement he provided to the NRC as part of the meeting record (Enclosure 9).
- Ms. Louise Doud and Mr. Raymond Shadis raised concerns about the design life of VYNPS in light of the proposed power uprate.
- Mr. Colin Blazey and Ms. Magdaline Bollitus raised concerns on the storage of spent fuel.
- Mr. Ira Feldman and Ms. Deb Katz raised concerns about the safety of the plant regarding the potential for a terrorist attack that could cause an accident.
- Mr. Peter Alexander alleged that the NRC staff mislead staff members for Senators Jeffords and Leahy regarding the nature of the development of the power uprate review process. Mr. Ruland responded that he participated in the phone call with the Senators' staff and believed the information was properly represented.
- Mr. Peter Dizinski voiced concerns on whether Entergy was requesting the power uprate purely for a profit motive. Mr. Richards stated that the NRC staff's purpose is to examine the proposed power uprate from an engineering point of view and decide on whether the plant can be operated safely at the uprated power condition. The NRC does not speculate on Entergy's motives for seeking the uprate.
- Mr. Gary Sachs expressed a lack of trust in the NRC and Entergy in protecting the safety of the public without performing an independent assessment of VYNPS.

- Ms. Amy Enochs raised concerns about other plants that have experienced problems following a power uprate (i.e., steam dryer issues at Dresden and Quad Cities plants), and questioned why the NRC is considering more power uprate applications considering these problems. Mr. Ruland said that, at the NRC's insistence, the licensee for the affected plants sent us a letter agreeing that it wouldn't raise power above the former 100 percent power level for a significant portion of their operating cycle. Mr. Ruland stated that the NRC is considering taking additional regulatory action on these matters and that the lessons-learned on the steam dryer issues would be applied in the review of the proposed VYNPS power uprate.
- Mr. Jonathan Block raised concerns regarding the recent changes to the NRC's hearing process. Mr. Ruland reiterated that the NRC staff also considers comments regarding proposed amendments outside of the hearing process.
- Ms. Martha Cooper read a letter from the Mayor of Keene, New Hampshire (Enclosure 10) requesting an ISA at VYNPS prior to the proposed power uprate.
- Mr. Philip Riendeau expressed concerns that people from the neighboring states of Massachusetts and New Hampshire had not been specifically invited to the public meeting. He also expressed the concern that the term "uprate" may not be understood by the public and if we called it a "power increase" more people would have attended the meeting. Mr. Neil Sheehan, from the NRC's Office of Public Affairs, stated that a press release regarding the meeting was issued, the local media were notified, and the public were invited to attend.

Following the meeting, the NRC confirmed that a press release had been issued and posted on the NRC's Web site prior to the meeting. The NRC staff will consider the need for other external stakeholder notifications for future VYNPS power uprate meetings.

Mr. Riendeau also suggested that a group of individuals, independent of the NRC, picked by the States of Vermont, New Hampshire, and Massachusetts, perform the independent assessment at VYNPS. Mr. Ruland emphasized that the Maine Yankee ISA was performed by NRC personnel, with NRC contractors and some state observers. He reiterated that the NRC is going to respond to the PSB request for an independent assessment.

- Ms. Meredith Blum presented a petition with approximately 400 signatures (Enclosure 11) that demanded that an ISA be performed at VYNPS and that the ISA be in compliance with Vermont Senate Resolution S.R. 21.
- Mr. Andy Davis voiced his concern about power uprate work already being performed at VYNPS. Mr. Ruland explained that Entergy may make modifications to the plant for the power uprate, as long as safety is maintained. However, the licensee is not authorized to exceed the current power level since the NRC has not approved the power uprate request. Therefore, any modifications being performed for the proposed uprate are being undertaken by the licensee at its own risk. Mr. Davis also reiterated the concern raised by Mr. Dizinski regarding whether Entergy's motivation for requesting the power uprate was for profit reasons. Mr. Ruland affirmed that most utilities request power uprates for financial reasons. However, he repeated Mr. Richards earlier comments that the NRC's focus is on safety and not on the motive for the requested change.

- Ms. Pamela Cabbage remarked that all previous power uprate requests had been approved by the NRC and said there were fears within the community about the possibility of collusion between the NRC and the industry. She also expressed concerns that Entergy has not been straightforward with the public based on local press reports. She requested that an ISA be performed at VYNPS for public confidence regarding the proposed power uprate.
- Ms. Judy Davidson stated she believes the NRC is more concerned with industry profits than protecting the health and safety of the public.
- Mr. James Doyle requested that the NRC approve the performance of an independent assessment of VYNPS and that the assessment be performed by an outside third-party (i.e., non-NRC).
- Mr. Harold Bradeen stated that, as the incident safety officer for the Vernon Fire Department, he goes into the plant on a regular basis, and has full confidence in the operation and the status of the plant. He noted that he supports the power uprate.
- Mr. Tim Stevenson raised concerns about the evacuation plan for the area surrounding VYNPS. He stated that there are towns within the emergency planning zone that have rejected the plan and added that he did not believe the plan could evacuate citizens safely in the event of an emergency. Mr. Ruland stated that the NRC would examine his comments.
- Ms. Nancy Burton raised concerns regarding the accountability of spent fuel in light of missing fuel rods at the Millstone plant. Mr. David Pelton, the NRC's Senior Resident Inspector at VYNPS, stated that he and Beth Sienel, the other NRC Resident Inspector at VYNPS, performed a review of plant records detailing the history of the storage of spent fuel at VYNPS. At the time of the meeting, the review indicated that the current spent fuel inventory was correct.

Based on questions raised by the NRC Inspectors prior to the meeting, Entergy performed further followup verification of the spent fuel pool inventory. Based on these followup actions, on April 21, 2004, Entergy identified that two spent fuel rod segments were not in their documented location in the spent fuel pool. Prior to the meeting, Entergy believed that the two segments were located in a steel container located on the bottom of the spent fuel pool based on visual observations from the refueling floor (reference NRC Inspection Report dated May 3, 2004, page 16, ADAMS Accession No. ML041240438). The fuel segments were confirmed to not be in the container based on boroscopic inspection of the container internals. The NRC has initiated a Special Inspection Team to follow Entergy's efforts to locate the potentially missing fuel.

- Ms. Jeannette Peiffer questioned if additional hours have been scheduled by the NRC for inspections related to the power uprate. Mr. Brian Holian, the Deputy Director of the Division of Reactor Projects at the NRC's Region I office, affirmed that additional hours have been scheduled. He stated that some of those inspections would start during the Spring 2004 VYNPS outage and would review some of the plant modifications being performed. Ms. Peiffer asked how many additional hours would be spent. Mr. Holian indicated that there is an individual procedure that focuses on a certain scope of issues related to the uprate, and other baseline procedures (procedures for inspection hours

previously planned) look at other items related to the uprate. As such, a specific number of additional inspection hours was not quantified during the meeting.

- Mr. Fred Sprite indicated that there seems to be consensus among elected representatives in the three states (i.e., Vermont, New Hampshire, and Massachusetts) that an independent assessment at VYNPS is needed. He believes it is needed because confidence in the government is poor based on things such as a study at Three Mile Island (TMI) that indicated there was a 100-fold increase in the rates of certain kinds of cancer. Mr. Ruland stated that, to the best of his knowledge, studies have not shown increased cancer rates near TMI.

Following the meeting, the NRC staff reviewed information on the health effects of the accident at TMI as discussed on a Fact Sheet on the NRC's Web site at: <http://www.nrc.gov/reading-rm/doc-collections/fact-sheets/3mile-isle.html>. The Fact Sheet states that comprehensive investigations and assessments by several well-respected organizations have concluded that most of the radiation from the accident was contained and that the actual release had negligible effects on the physical health of individuals or the environment.

A note from Dick Brigham and a letter from Alison Macrae were also provided to the NRC during the meeting. They are included as Enclosures 12 and 13.

Subsequent to the meeting, the NRC received a number of letters from members of the public in support of VYNPS and the proposed power uprate. Several of these individuals indicated that they attended the meeting, but did not have an opportunity to speak. These letters have been placed in ADAMS.

Please direct any inquiries concerning this meeting to me. I can be reached at (301) 415-1420, or rxe@nrc.gov.

/RA/

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Docket No. 50-271

Enclosures:

1. List of Attendees (ADAMS Accession No. ML041100704)
2. Transcription (ADAMS Accession No. ML041120358)
3. Letter from Senators Jeffords and Leahy, and Congressman Sanders, dated March 31, 2004*
4. Letter from Vermont Public Service Board, dated March 31, 2004*
5. Letter from Bart Bales, dated March 31, 2004*
6. Letter from Massachusetts State Representative Kulik, dated March 31, 2004*
7. Letter from Board of Selectmen of the Town of Gill Massachusetts, dated March 31, 2004*
8. Letter from Robert Mahler, dated March 31, 2004*
9. Statement by Paul Blanch, dated March 31, 2004*
10. Letter from Michael Blastos, Mayor of Keene, New Hampshire, dated March 31, 2004*
11. Petition for an ISA*
12. Note from Dick Brigham*
13. Letter from Alison Macrae, dated March 31, 2004*
14. NRC Slide Presentation (ADAMS Accession No. ML041120368)

*Enclosures 3 through 13 are in ADAMS as Accession No. ML041060331

cc w/encls: See next page

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** See previosu concurrence

Meeting Summary Accession No.: ML041120127

*Concurrence via email

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